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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,005	12/30/2003	Gregor K. Frey	6570P028	8386
45962	7590	08/03/2009	EXAMINER	
SAP/BSTZ			YAARY, MICHAEL D	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP			ART UNIT	
1279 OAKMEAD PARKWAY			PAPER NUMBER	
SUNNYVALE, CA 94085-4040			2193	
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			08/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/749,005

Applicant(s)

FREY ET AL.

Examiner

MICHAEL YAARY

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6,7,13,16,17,19,21,24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,13,16,17,19,21,24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 04/24/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 2, 6, 7, 13, 16, 17, 19, 21, 24, and 25 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 6, 7, 13, 16, 17, 19, 21, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ullmann et al (hereafter Ullmann)(US Pat. 7,120,685) in view of Shah et al (hereafter Shah)(US Pat. 6,871,228).

Ullmann was cited in the previous office action dated 02/03/2009.

4. **As to claims 1, 13, and 19**, Ullmann discloses a system comprising:
a computer system including an application server, the application server to generate log and trace messages relating to one or more software applications (abstract and column 2, lines 11-27); and establishing cross-referencing between log information of the log messages and trace information of the trace messages (column 3, lines 13-65).

5. Ullmann does not disclose the log and trace messages are unified log and trace messages generated by synergizing configuration settings of a logging mechanism and a tracing mechanism, wherein synergizing includes unifying message paths of log messages and trace messages; the unified log and trace messages being independent of programming languages and any particular interfaces, output formats, and destination files associated with each of the programming languages; and a viewer in communication with the computer system, the viewer to display the unified log and trace messages.

However, Shah discloses the log and trace messages are unified log and trace messages generated by synergizing configuration settings of a logging mechanism and a tracing mechanism (column 1, line 65-column 2, line 8 and column 5, lines 27-47), wherein synergizing includes unifying message paths of log messages and trace messages; the unified log and trace messages being independent of programming languages and any particular interfaces, output formats, and destination files associated with each of the programming languages (column 5, lines 27-47 and column 6, lines 14-58); and a viewer in communication with the computer system, the viewer to display the unified log and trace messages (column 7, lines 5-15).

6. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Ullmann providing unified logging and tracing, as taught by Shah, for the benefit of providing further distributed multilevel logging services in architectures and further configurations of logging elements.

7. **As to claims 2, 24, and 25**, the combination of Ullmann and Shah disclose the programming languages are associated with programming engines including a Java 2 Enterprise Edition or an Advanced Business Application Programming engine (Ullmann, column 2, line 60-column 3, line 12).

8. **As to claims 6, 16, and 21**, the combination of Ullmann and Shah disclose the application server is further to format the unified log and trace messages prior to their publication, wherein a resulting format being independent of the output formats; and generate hierarchical configuration of the unified log and trace messages based on severity information, the severity information providing severities representing constants, the severities including one or more of debug, path, info, warning, error, fatal, and none (Ullmann, column 3, lines 13-65).

9. **As to claims 7, and 17**, the combination of Ullmann and Shah disclose formatting is performed using a formatter, the formatter including one or more of a list formatter, a trace formatter, and an Extensible Markup Language formatter (Ullmann, column 3, lines 13-65).

Response to Arguments

10. Applicant's arguments with respect to claims 1, 2, 6, 7, 13, 16, 17, 19, 21, 24, and 25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MICHAEL YAARY** whose telephone number is (571)270-1249. The examiner can normally be reached on Mon-Fri 9 a.m.-5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on 571-272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chuong D Ngo/
Primary Examiner, Art Unit 2193

/M. Y./
Examiner, Art Unit 2193